

HOUSE BILL 109

N1
HB 233/09 – ENV

0lr0402

By: **Delegate Ali**

Introduced and read first time: January 15, 2010

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Residential Property Tax Disclaimer Act**

3 FOR the purpose of requiring that a certain form developed by the State Real Estate
4 Commission contain a certain notice; and generally relating to sales of
5 residential property.

6 BY repealing and reenacting, without amendments,
7 Article – Real Property
8 Section 10–702(b) and (f)
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2009 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Real Property
13 Section 10–702(c)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Real Property**

19 10–702.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) (1) This section applies only to single family residential real property
2 improved by four or fewer single family units.

3 (2) This section does not apply to:

4 (i) The initial sale of single family residential real property:

5 1. That has never been occupied; or

6 2. For which a certificate of occupancy has been issued
7 within 1 year before the vendor and purchaser enter into a contract of sale;

8 (ii) A transfer that is exempt from the transfer tax under §
9 13-207 of the Tax – Property Article, except land installment contracts of sale under §
10 13-207(a)(11) of the Tax – Property Article and options to purchase real property
11 under § 13-207(a)(12) of the Tax – Property Article;

12 (iii) A sale by a lender or an affiliate or subsidiary of a lender
13 that acquired the real property by foreclosure or deed in lieu of foreclosure;

14 (iv) A sheriff's sale, tax sale, or sale by foreclosure, partition, or
15 by court appointed trustee;

16 (v) A transfer by a fiduciary in the course of the administration
17 of a decedent's estate, guardianship, conservatorship, or trust;

18 (vi) A transfer of single family residential real property to be
19 converted by the buyer into a use other than residential use or to be demolished; or

20 (vii) A sale of unimproved real property.

21 (c) (1) A vendor of single family residential real property shall complete
22 and deliver to each purchaser:

23 (i) A written residential property condition disclosure
24 statement on a form provided by the State Real Estate Commission; or

25 (ii) A written residential property disclaimer statement on a
26 form provided by the State Real Estate Commission.

27 (2) (I) The State Real Estate Commission shall develop by
28 regulation a single standardized form that includes the residential property condition
29 disclosure and disclaimer statements required by this subsection.

30 (II) **THE FORM DEVELOPED UNDER SUBPARAGRAPH (I) OF**
31 **THIS PARAGRAPH SHALL INCLUDE THE FOLLOWING STATEMENT:**

1 **“DUE TO A VARIETY OF MARYLAND PROPERTY TAX CREDIT PROGRAMS,**
2 **THE BUYER’S PROPERTY TAX BILL MAY BE SIGNIFICANTLY DIFFERENT THAN**
3 **THE TAX BILL PAID PREVIOUSLY BY THE SELLER OF THE PROPERTY. BUYERS**
4 **SHOULD CONTACT THE LOCAL GOVERNMENT FOR AN ESTIMATE OF THEIR**
5 **PROPERTY TAX OBLIGATION.”.**

6 (f) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
7 vendor shall deliver the completed disclosure or disclaimer statement required by this
8 section to the purchaser on or before entering into a contract of sale by the vendor and
9 the purchaser.

10 (2) The disclosure or disclaimer statement shall be delivered to each
11 purchaser before the execution of the contract of sale by the purchaser in the case of a
12 land installment contract, as defined in § 10–101 of this title.

13 (3) The disclosure or disclaimer statement shall be delivered to each
14 purchaser before the execution by the purchaser of an option to purchase agreement or
15 a lease agreement containing an option to purchase provision.

16 (4) At the time the disclosure or disclaimer statement is delivered,
17 each purchaser shall date and sign a written acknowledgment of receipt, which shall
18 be included in or attached to the contract of sale.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.